

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1629.00
COMPLAINT INVESTIGATOR: John Hill
DATE OF COMPLAINT: September 29, 2000
DATE OF REPORT: November 17, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: January 31, 2001

COMPLAINT ISSUES:

Whether the North Harrison Community School Corporation and the Harrison County Special Education Cooperative violated:

- 511 IAC 7-27-4(a)(3) with regard to the school's alleged failure to convene a case conference committee at the parent's request.
- 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized educational program (IEP) as written, specifically:
 - a. failing to provide identified accommodations (highlighting the textbooks),
 - b. failing to provide a second textbook to be used at home, and
 - c. failing to implement the daily report card on behavior and performance.
- 511 IAC 7-21-2(a) with regard to the school's alleged failure to ensure that the student's teachers are appropriately licensed or certified to provide instruction to the student.

Two extensions of time were granted in this investigation to allow the investigator to obtain all relevant information and to follow up on potential issues. The original deadline of October 27, 2000 was extended to November 17, 2000.

FINDINGS OF FACT:

1. The student is a sixteen-year-old, tenth-grade student who has been determined eligible for special education and related services due to a learning disability.
2. In a letter dated August 23, 2000, from the complainant to the School principal, the parent referenced a need to meet in the future, but did not specifically request a Case Conference Committee meeting.
3. In a letter dated October 6, 2000, from the school to the complainant, the school indicated that as per the discussion conducted on September 22, 2000 when the parent requested the case conference, a CCC would be conducted as soon as the local Director of Special Education had the opportunity to observe the student in multiple classroom settings.
4. The CCC convened on October 12, 2000 to discuss the classroom observations and to review an independent evaluation.
5. The CCC Report/IEP dated February 22, 2000, March 21, 2000, and continued on April 17, 2000 indicated that the student was to be provided with highlighted text and materials and that daily report cards would be provided to the parent.
6. The CCC Report/IEP dated February 22, 2000, March 21, 2000, and continued on April 17, 2000 does not indicate that the student will be provided a second textbook to be used at home.

7. Copies of the daily report cards from August 18, 2000 through September 27, 2000 indicate that the cards were not completed on eight of the thirty school days during this time period and only partially completed on sixteen days.
8. The Student's assigned teacher of record is licensed in the areas of Learning Disabled, Mentally Retarded and Seriously Emotionally Handicapped.

CONCLUSIONS:

1. Findings of Fact #2, #3 and #4 reflect that the school convened a case conference committee at the parent's request. Therefore, no violation of 511 IAC 7-27-4(a)(3) is found.
2. Findings of Fact #5 and #7 reflect that the school failed to implement the student's individualized educational program (IEP) as written, specifically:
 - a. failing to provide identified accommodations (highlighting the textbooks), and
 - b. failing to implement the daily report card on behavior and performance. Therefore, violation of 511 IAC 7-27-7(a) is found with respect to these two items.
3. Finding of Fact #6 reflects that the IEP did not provide for a second set of text books; therefore no violation of 511 IAC 7-27-7(a) is found in respect to this item.
4. Finding of Fact #8 reflects that the student's teacher of record is appropriately licensed. Therefore, no violation of 511 IAC 7-21-2(a) is found.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The North Harrison Community School Corporation and the Harrison County Special Education Cooperative shall:

1. In-Service all appropriate staff regarding the requirements as specified in 511 IAC 7-27-7(a) as well as the teacher of record's responsibility to monitor and ensure implementation of the student's IEP. Submit documentation to the Division that the in-service has been completed no later than December 31, 2000. The documentation should include a list or agenda of all issues discussed, any handouts that were distributed and list of attendees by name and title.

DATE REPORT COMPLETED: November 17, 2000